



UNITED STATES GOVERNMENT

**NATIONAL LABOR RELATIONS BOARD**

**FREEDOM OF INFORMATION ACT BRANCH**

Washington, D.C. 20570

Via email

September 18, 2023

Re: FOIA Request NLRB-2023-002048

Dear Frank Tobias Higbie (University of California, Los Angeles);

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received on September 1, 2023, in which you seek: "any existing documents related to the union election on January 11, 1985 at the Angel Echevarria Co., Inc. (a company based in Los Angeles, California, also known as "Somma Waterbeds"). Specifically, I request records pertaining the following topics be sent to me:

1. Any records related the union representation election on January 11, 1985, including communication between the union (International Ladies Garment Workers Union (ILGWU, AFL-CIO) and the National Labor Relations Board (NLRB);
2. Any challenges made by either the employer, by the union, or by other individuals or groups to the process or results of the election;
3. Any records related to the firing of workers for engaging in union activity;
4. Any unfair labor practice charges filed by either the employer or the union related to the process or results of the election, or related to the firing of workers for engaging in union activity;
5. Any documents related to the certification of an employee representative in this election;
6. Any decisions handed down by the National Labor Relations Board or administrative law judges related to this election or to any unfair labor practices filed against this employer;
7. Any other documents, decisions, or subsequent litigation related to this union election under the National Labor Relations Act."

We acknowledged your request on September 1, 2023.

Using the names of the entities provided in your request, searches were conducted in the Agency's electronic casehandling system, NxGen, which generally maintains NLRB case records from 2011 to present. These searches did not locate any responsive records.

As part of our due diligence in searching for older records that pre-date our current electronic casehandling system, we directed a search inquiry to the Agency's Region 21 office to conduct a manual search for potentially responsive paper records that may still be maintained. Region 21 staff informed us that the case number you are seeking is Case No. 21-RC-21753. The Region's search located the Decision and Certification of Representation (two pages), which is attached. No information has been withheld or redacted from this record.

Please be advised that pursuant to the Agency's record retention and disposition policy, paper records are retained for a six-year period, which commences at the close of the calendar year during which the case is closed. The records are then destroyed, unless they are selected for permanent retention based on their legal significance. Given the age of the requested case, a member of the FOIA staff searched the list of permanently retained cases maintained by the Agency's Case Records Unit for cases that closed between 1982 and 2010, and it was confirmed that the requested case was not selected for permanent retention. As such, the record located by the Region represents the only retained record related to the requested case file.

For the purpose of assessing fees, we have placed you in Category B, as an educational institution that operates a program or programs of scholarly research, NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vi). There is no charge assessed for emailed records.

You may contact Teresita Sanabria, the FOIA Specialist who processed your request, at 202-273-4000 or by email at [teresita.sanabria@nrlb.gov](mailto:teresita.sanabria@nrlb.gov), as well as the Agency's FOIA Public Liaison, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the FOIA Public Liaison is:

Kristine M. Minami, FOIA Public Liaison  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: [FOIAPublicLiaison@nrlb.gov](mailto:FOIAPublicLiaison@nrlb.gov)  
Telephone: (202) 273-0902  
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services  
National Archives and Records Administration  
8601 Adelphi Road-OGIS  
College Park, Maryland 20740-6001  
Email: [ogis@nara.gov](mailto:ogis@nara.gov)  
Telephone: (202) 741-5770  
Toll free: (877) 684-6448  
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:  
<https://foiaonline.gov/foiaonline/action/public/home> or by mail or email at:

Nancy E. Kessler Platt, Chief FOIA Officer  
National Labor Relations Board  
1015 Half Street, S.E., 4<sup>th</sup> Floor  
Washington, D.C. 20570  
Email: [DLCFOIAAppeal@nrlb.gov](mailto:DLCFOIAAppeal@nrlb.gov)

Any appeal must be postmarked or electronically submitted within 90 calendar days of the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

*/s/ Kristine M. Minami*

Kristine M. Minami  
Acting FOIA Officer

Attachment: (two pages)